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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,378	01/30/2004	Jeanet Harvej	891.0002.UI(US)	7896
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HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			LOFTIN, CELESTE	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/769,378	HARVEJ ET AL.	
	Examiner	Art Unit	
	Celeste L. Loftin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/23/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-10, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Shanahan, **US Patent 6,496,692**.

Regarding claim 1, Shanahan discloses a method of attracting the attention of a user of a mobile terminal, the method comprising:

the mobile terminal receiving audio information (user-defined information may be provided to device 20 from source via link 32) (**col. 8 lines 60-67, col. 9 lines 15-27, col. 3 lines 19-40**),

providing the audio information to the user (once the user has edited a particular piece of information, he or she may be given the option to review the piece to ensure it is acceptable) (**col. 9 lines 25-40**);

the user operating, during the providing step, selecting means of the mobile terminal so as to select part of the audio information reads (the user may

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find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment) (**col. 9 lines 25-42, 1-10**),

the mobile terminal subsequently attracting the attention of the user by playing the selected part of the audio information (the user may program certain audio or video files into device that are activated when a certain person calls, the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 7 lines 60-67, col. 9 lines 25-42, 1-10**).

Regarding claim 2, Shanahan discloses a method according to claim 1, wherein the selecting step comprises storing the selected part of the audio information in the mobile terminal (the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 9 lines 25-42, 1-10**).

Regarding claim 3, Shanahan discloses a method according to claim 1, wherein the providing step is performed by a signal source transmitting the audio information to the mobile terminal (user-defined information may be provided to

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device 20 from source via link 32 and computer 30) (**col. 8 lines 60-67, col. 9 lines 15-27, col. 3 lines 19-40**).

Regarding claim 4, Shanahan discloses a method according to claim 1, wherein the mobile terminal is a mobile telephone, and wherein the attracting step comprises the mobile telephone receiving an incoming telephone call (the user may program certain audio or video files into device that are activated when a certain person calls, the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 7 lines 60-67, col. 9 lines 25-42, 1-10, col. 3 lines 5-15**).

Regarding claim 5, Shanahan discloses a mobile terminal comprising:

means for receiving audio information (user-defined information may be provided to device 20 from source via link 32) (**col. 8 lines 60-67, col. 9 lines 15-27, col. 3 lines 19-40**),

means for allowing the user to select part of the audio information, while the receiving means receive the information (the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment) (**col. 9 lines 25-42, 1-10**),

means for attracting the attention of the user by playing the selected part of the audio information (the user may program certain audio or video files into

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device that are activated when a certain person calls, the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 7 lines 60-67, col. 9 lines 25-42, 1-10**), and

means for determining that the attention of the user is desired/required, the determining means being adapted to operate the attracting means (the processor routs the information received to the alerting circuit, the user may configure the telephone to play a certain user-defined audio file stored in the alerting circuit when receiving a call) (**col. 10 lines 1-10**).

Regarding claim 6, Shanahan discloses a mobile terminal according to claim 5, further comprising means for providing the information to the user while receiving the information (the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 7 lines 60-67, col. 9 lines 25-42, 1-10**).

Regarding claim 9, Shanahan discloses a mobile terminal according to claim 5, wherein the mobile terminal is a mobile telephone and wherein the determining means are adapted to operate the attracting means when receiving an incoming telephone call (the user may program certain audio or video files

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into device that are activated when a certain person calls, the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 7 lines 60-67, col. 9 lines 25-42, 1-10, col. 3 lines 5-15**).

Regarding claim 10, Shanahan discloses a mobile terminal comprising:

means for receiving audio information (user-defined information may be provided to device 20 from source via link 32) (**col. 8 lines 60-67, col. 9 lines 15-27, col. 3 lines 19-40**),

providing means for providing the audio information to the user (user-defined information may be provided to device 20 from source via link 32 and computer 80) (**col. 8 lines 60-67, col. 9 lines 15-27, col. 3 lines 19-40**),

means operable by the user for selecting part of the audio information, while the audio information is provided to the user by the providing means (the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment) (**col. 9 lines 25-42, 1-10**),

means for attracting the attention of the user by playing the selected part of the audio information (the user may program certain audio or video files into device that are activated when a certain person calls, the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize

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only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 7 lines 60-67, col. 9 lines 25-42, 1-10**), and

means for determining that the attention of the user is desired/required, the determining means being adapted to operate the attracting means (the processor routes the information received to the alerting circuit, the user may configure the telephone to play a certain user-defined audio file stored in the alerting circuit when receiving a call) (**col. 10 lines 1-10**).

Regarding claim 13, Shanahan discloses a mobile terminal according to claim 10, wherein the mobile terminal is a mobile telephone and wherein the determining means are adapted to operate the attracting means when receiving an incoming telephone call (the user may program certain audio or video files into device that are activated when a certain person calls, the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 7 lines 60-67, col. 9 lines 25-42, 1-10, col. 3 lines 5-15**).

Regarding claim 14, Shanahan discloses a software system for performing the steps of claim 1 in a mobile terminal (the user may program certain audio or video files into device that are activated when a certain person calls, the user may find an audio track or video clip that suits his or her taste it may be desired

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however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 7 lines 60-67, col. 9 lines 25-42, 1-10, col.3 lines 5-15**).

Regarding claim 15, Shanahan discloses a mobile terminal comprising receiving means for receiving audio information (user-defined information may be provided to device 20 from source via link 32) (**col. 8 lines 60-67, col. 9 lines 15-27, col. 3 lines 19-40**);

storing means (i.e. memory) for storing the audio information (the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 9 lines 25-42, 1-10, col. 10 lines 1-18**);

providing means (i.e. alerting circuit) for providing the stored audio information to a user (the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 9 lines 25-42, 1-10, col. 10 lines 1-20**).

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selecting means (i.e. processor)operable by the user for selecting part of the audio information, while the audio information is provided to the user by the providing means (the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment) (**col. 9 lines 25-42, 1-10, col. 10 lines 1-12**),

attracting means (i.e. driver circuitry), for attracting the attention of the user by playing the selected part of the audio information (the user may program certain audio or video files into device that are activated when a certain person calls, the user may find an audio track or video clip that suits his or her taste it may be desired however, to utilize only a portion of the track, in that case the user may edit or sample a portion of the information to obtain the desired segment, and the user may save it and be given an opportunity to name the segment, so that it may be readily identified later) (**col. 7 lines 60-67, col. 9 lines 25-42, 1-10**) (**col. 9 lines 25-42, 1-10, col. 10 lines 1-20**), and

means for determining that the attention of the user is desired/required, the determining means being adapted to operate the attracting means (the processor routes the information received to the alerting circuit, the user may configure the telephone to play a certain user-defined audio file stored in the alerting circuit when receiving a call) (**col. 10 lines 1-10**).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7,8,11,12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Shanahan, **US Patent 6,496,692** in view Le-Faucheur et al. (Le-Faucheur) U.S. Patent 6,704,582.

Regarding claim 7, Shanahan discloses a mobile terminal according to claim 5, but fails to disclose wherein the selecting means comprises a push button, a depression of which defines a starting point of the selected part of the audio information.

In a similar field of endeavor, Le-Faucheur discloses wherein the selecting means comprises a push button, a depression of which defines a starting point of the selected part of the audio information (reads on pressing the record button that starts the recording of the audio input on the initial press and stops the recording with a second press) (**col. 2 lines 37-39**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Shanahan to include wherein the selecting means comprises a push button, a depression of which defines a starting point of the selected part of the audio information. Motivation for this modification would to

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create a personalized audio signal, create a call signal played when a incoming call is detected.

Regarding claim 8, Shanahan and Le-Faucheur disclose a mobile terminal according to claim 7. Le-Faucheur further discloses wherein the selecting means comprises a push button, a depression of which defines an ending point of the selected part of the audio information (reads on pressing the record button that starts the recording of the audio input on the initial press and stops the recording with a second press (i.e. depression)) (**col. 2 lines 37-39**)..

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Shanahan to include wherein the selecting means comprises a push button, a depression of which defines an ending point of the selected part of the audio information. Motivation for this modification would to create a personalized audio signal, create a call signal played when a incoming call is detected.

Regarding claim 11, Shanahan discloses a mobile terminal according to claim 10, but fails to disclose wherein the selecting means comprises a push button, a depression of which defines a starting point of the selected part of the audio information.

In a similar field of endeavor, Le-Faucheur discloses wherein the selecting means comprises a push button, a depression of which defines a starting point of the selected part of the audio information (reads on pressing the record button that starts the recording of the audio input on the initial press and stops the recording with a second press) (**col. 2 lines 37-39**).

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At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Shanahan to include wherein the selecting means comprises a push button, a depression of which defines a starting point of the selected part of the audio information. Motivation for this modification would to create a personalized audio signal, create a call signal played when a incoming call is detected.

Regarding claim 12, Shanahan and Le-Faucheur disclose a mobile terminal according to claim 11. Le-Faucheur further discloses wherein the selecting means comprises a push button, a depression of which defines an ending point of the selected part of the audio information (reads on pressing the record button that starts the recording of the audio input on the initial press and stops the recording with a second press (i.e. depression)) (**col. 2 lines 37-39**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Shanahan to include wherein the selecting means comprises a push button, a depression of which defines an ending point of the selected part of the audio information. Motivation for this modification would to create a personalized audio signal, create a call signal played when a incoming call is detected.

Regarding claim 16, Shanahan discloses the mobile terminal of claim 15, but fails to disclose wherein the part of the audio information selected with the selecting means is defined by a starting point in time and an ending point in time.

In a similar field of endeavor, Le-Faucheur wherein the part of the audio information selected with the selecting means is defined by a starting point in

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time and an ending point in time (reads on pressing the record button that starts the recording of the audio input on the initial press and stops the recording with a second press (i.e. depression)) (**col. 2 lines 37-39**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Shanahan to include wherein the part of the audio information selected with the selecting means is defined by a starting point in time and an ending point in time. Motivation for this modification would have been to allow the process of selecting part of the audio information time efficient.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tischer, US Patent 7,013,006, discloses a programmable audio alert system and method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celeste L. Loftin whose telephone number is 571-272-2842. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CL



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